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PATENT
Our Docket: P-IM 2442

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In application of:

WILLIAM SOO HOO

Serial No.: 08/902,516

Filed: July 29, 1997

For: MEMBRANE-BOUND CYTOKINE
COMPOSITIONS AND METHODS
OF MODULATING AN IMMUNE
RESPONSE USING SAME.

Examiner: Unknown

Group Art Unit: 1806

I hereby certify that this correspondence is
being deposited with the United States Postal
Service as first class mail in an envelope
addressed to: Assistant Commissioner for
Patents, Attention: Application Processing
Division's Customer Correction Branch,
Washington, D.C. 20231,

on February 3, 1998

By Andrea L. Gashler
Andrea Gashler, Reg. No. 41,029

February 3, 1998
Date of Signature

Asst. Commissioner for Patents
Washington, D.C. 20231

ATTN: APPLICATION PROCESSING DIVISION'S
CUSTOMER CORRECTION BRANCH

CORRECTION OF FILING RECEIPT

Sir:

The filing receipt issued in the above-identified
application is incorrect for the reasons set forth below:

✓ 1) The filing receipt does not reflect that this
application has properly claimed small entity status. Attached
is a copy of the small entity statement filed on December 10,
1997 (Exhibit A), and a copy of the postcard stamped by the U.S.
Patent and Trademark Office showing that these statements were
received by the USPTO on December 15, 1997 (Exhibit B).

✓ 2) The filing receipt issued in the above-identified
application does not reflect the proper filing fee received.
As shown on the attached copy of the Transmittal filed on
December 10, 1997 (Exhibit C), and the attached copy of the

Inventor: William Soo Hoo
Serial No.: 08/902,516
Filed: July 29, 1997
Page 2

postcard stamped by the U.S. Patent and Trademark Office (Exhibit B), a check in the amount of \$827.00 to cover the filing fee of \$722.00, the surcharge fee of \$65.00, and the fee for recording an Assignment in the amount of \$40.00 was received by the United States Patent and Trademark Office on December 15, 1997.

Attached is a copy of the Filing Receipt with the changes noted thereon (Exhibit D). Applicants accordingly request that these corrections be made of record and that an amended Filing Receipt be issued.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge any fees to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: February 3, 1998

Andrea L. Gashler

Andrea L. Gashler
Registration No. 41,029
Telephone No.: (619) 535-9001
Facsimile No.: (619) 535-8949

CAMPBELL & FLORES LLP
4370 La Jolla Village Drive
Suite 700
San Diego, California 92122

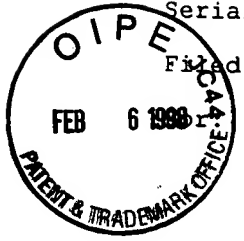
Docket No. P-IM 2442

Applicants or Patentees: William Soo Hoo

Serial or Patent No.: 08/902,516

Filed or Issued: July 29, 1997

MEMBRANE-BOUND CYTOKINE COMPOSITIONS AND METHODS OF MODULATING AN IMMUNE RESPONSE USING SAME



VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS (37 CFR 1.9(F) AND 1.27(C))

SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: The Immune Response Corporation
ADDRESS OF SMALL BUSINESS CONCERN: 5935 Darwin Court
Carlsbad, California 92008

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled MEMBRANE-BOUND CYTOKINE COMPOSITIONS AND METHODS OF MODULATING AN IMMUNE RESPONSE USING SAME, by inventor William Soo Hoo, as described in application serial no. 08/902,516.

EXHIBIT A

Inventor: William Soo Hoo
Serial No.: 08/902,516
Filed: July 29, 1997
Page 2

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

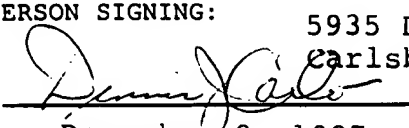
NAME OF PERSON SIGNING: Dennis J. Carlo, Ph.D.
TITLE IN ORGANIZATION: President, Chief Executive Officer
ADDRESS OF PERSON SIGNING: 5935 Darwin Court
Carlsbad, CA 92008
SIGNATURE: 
DATE: December 9, 1997

EXHIBIT A



Please acknowledge receipt of the accompanying:

☐ Response

☒ Other A combined executed declaration and power of attorney for patent application; a recordation form cover sheet with an executed assignment; and a verified statement claiming small entity status.

☒ Transmittal form (in duplicate)

☐ Petition for Ext. of Time

Applicant's Name William Soo Hoo

Serial Number 08/902,516

Examiner's Name Unknown

Title MEMBRANE-BOUND CYTOKINE COMPOSITIONS AND METHODS OF

MODULATING AN IMMUNE RESPONSE USING SAME

☒ Fee \$827.00 Enclosed ☒ Check No.: 017480

☒ Certificate of Mailing - 1st Class Date Mailed: 12/10/97

Our Docket No.: P-IM 2442

Date Due: --

Client The Immune Response Corporation

Attorney/Secretary ALG/bc

Place your receiving date stamp hereon and return this card.

FORM UA Amend/Resp

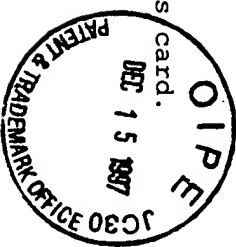


EXHIBIT B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In Re Application of:
William Soo Hoo

Serial No.: 08/902,516

Filed: July 29, 1997

For: MEMBRANE-BOUND CYTOKINE
COMPOSITIONS AND METHODS OF
MODULATING AN IMMUNE RESPONSE
USING SAME

Examiner: Unknown

Art Unit: Unknown

I hereby certify that this correspondence is being deposited
with the United States Patent and Trademark Office in an
envelope addressed to the Commissioner of Patents,

Washington, D.C. 20501 12/10/97

By Andrea L. Gashler
Address: Campbell & Flores LLP, 41,029
12/10/97
Date of Signature

ASST. COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231
Attention: BOX MISSING PART

TRANSMITTAL

Dear Sir:

In reference to the above-identified application attached
are the following documents:

- X 1. An executed Combined Declaration and Power of Attorney
in the above-identified U.S. Patent Application
executed by William Soo Hoo.
- X 2. A Recordation Form Cover Sheet and an executed
Assignment for the above-identified U.S. Patent
Application executed by William Soo Hoo.
- X 3. A Verified Statement (Declaration) Claiming Small Entity
Status executed by Dennis J. Carlo.

The filing fee has been calculated as shown below:

	NUMBER FILED		NUMBER EXTRA		RATE		FEE	
					SMALL ENTITY	OTHER ENTITY	SMALL ENTITY	OTHER ENTITY
TOTAL CLAIMS	46-20	=	26	x	\$11	\$22	= \$286	\$0
INDEPEN- DENT CLAIMS	4-3	=	1	x	\$41	\$82	= \$41	\$0
MULTIPLE DEPENDENT CLAIMS PRESENTED: <u> </u> YES <u>X</u> NO					\$135	\$270	= \$0	\$0
					BASIC FEE		\$395	\$790
					TOTAL FEE		\$722	\$0

- X 5. A check in the amount of \$827.00 to cover the filing fee of
\$722.00, the surcharge fee of \$65.00, and \$40.00 for recording an
Assignment for the application is enclosed.
- X The Commissioner is hereby authorized to charge payment of the
following fees associated with this communication or credit any
overpayment to Deposit Account No. 03-0370. A duplicate copy of this
sheet is enclosed.
- X Any additional filing fees required under 37 C.F.R. 1.16.
- X Any patent application processing fees under 37 C.F.R. 1.17.

Respectfully submitted

By: Andrea L. Gashler
Andrea L. Gashler
Reg. No. 41,029

CAMPBELL & FLORES LLP
4370 La Jolla Village Drive, Suite 700
San Diego, California 92122
Telephone: (619) 535-9001
Facsimile: (619) 535-8949

EXHIBIT C

FILING RECEIPT

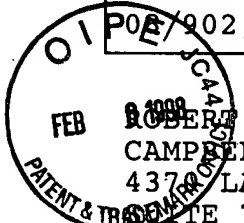


UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

not
OK

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
002,516	07/29/97	1806	\$0.00	P-IM2442	4	46	4

\$ 787.00



ROBERT T RAMOS
CAMPBELL & FLORES
4370 LA JOLLA VILLAGE DRIVE
SUITE 700
SAN DIEGO CA 92122

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

WILLIAM SOO HOO.

FOREIGN FILING LICENSE GRANTED 12/09/97

TITLE

MEMBRANE-BOUND CYTOKINE COMPOSITIONS AND METHODS OF
MODULATING AN IMMUNE RESPONSE USING SAME

PRELIMINARY CLASS: 424

*small
entity*

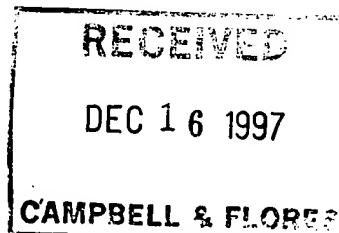


EXHIBIT D